SENATE BILL No. 1131

Introduced by Senator Machado

February 23, 2001

An act to amend Section 1246.5 of the Business and Professions Code, relating to clinical laboratory technology.

LEGISLATIVE COUNSEL'S DIGEST

SB 1131, as introduced, Machado. Clinical laboratory technology.

Existing law authorizes any licensed clinical laboratory or public health laboratory to perform pregnancy, glucose level, cholesterol, and occult blood tests and provides that the State Department of Health Services may add other tests to this list, as specified.

This bill would delete the provision, authorizing the department to add other tests and would, instead, authorize these laboratories to perform any other over-the-counter test approved by the federal Food and Drug Administration for sale to the public without a prescription.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1246.5 of the Business and Professions Code is amended to read:

1246.5. Notwithstanding any other provision of law, any person may request, and any licensed clinical laboratory or public health laboratory may perform, the laboratory tests specified in this section. A registered clinical laboratory may perform the laboratory tests specified in this section if the test is subject to a certificate of waiver under CLIA and the laboratory has registered with the department under paragraph (2) of subdivision (a) of

Section 1265. The results from any test may be provided directly to the person requesting the test ~~provided~~ *if* the test is on or for his or her own body. These test results shall be provided in a manner that presents clear information and that identifies results indicating the need for referral to a physician and surgeon.

The tests that may be conducted pursuant to this section are: pregnancy, glucose level, cholesterol, ~~and~~ occult blood*, and any other test for which there is a test for a particular analyte approved by the federal Food and Drug Administration for sale to the public without a prescription in the form of an over-the-counter test kit*.

~~The department may add additional tests to the list of tests specified in this section. However, the director may consider the addition of a test only after it has been approved by the federal Food and Drug Administration for sale to the public without a prescription in the form of an over-the-counter test kit.~~

O